

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ENRIQUE CASTILLO,

Plaintiff,

-against-

Z DELI GROCERY V CORP d/b/a Z Grill, ALI
ESMAEL ZIAD, and MOHAMMED ZIAD,
individually,

Defendants.

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JENNIFER E. WILLIS, United States Magistrate Judge:

On February 28, 2024, Judge Daniels issued a default judgment against Defendants Z Deli Grocery V Corp, Ali Esmael Ziad, and Mohammed Ziad. Dkt. No. 80. On March 19, 2024, Ali Esmael Ziad, and Mohammed Ziad submitted a letter taking exception to the default judgment. Dkt. No. 82.

That letter referred to previous orders from the Court and various items Defendants attempted to file. The Defendants are correct that on January 13, 2023 the Court issued an Order permitting Defendants' previous counsel to withdraw. Dkt. No. 62. That Order stated:

Individual Defendants Ali Esmael Ziad and Mohammed Ziad must either obtain new counsel or appear pro se by February 3, 2023. To proceed pro se, the Individual Defendants must complete and email the Notice of Pro Se Appearance form (the "Notice") available at <https://www.nysd.uscourts.gov/node/826> to Temporary Pro Se Filing@nysd.uscourts.gov...If Z Grill and the Individual Defendants proceed without counsel or the Individual Defendants fail to participate pro se, Plaintiff can proceed with this action by taking steps to obtain a default judgment against them. Dkt. No. 62 at 1-2.

ORDER

21-CV-1744 (GBD) (JW)

Defendants' March letter also referenced a communication with the Pro Se Intake unit in January 2023. Dkt. No. 82. The Court has confirmed with the Pro Se Intake unit that an email from Mr. Ziad was received, and that a standard acknowledgment confirming electronic receipt was issued. Mr. Ziad included this same acknowledgment in his letter. Dkt. No. 82. As that electronic receipt says, "documents from pro se litigants that meet the required standard for electronic filing will be filed...documents must be attached to the email in PDF format." Dkt. No. 82.

The Pro Se Intake unit has confirmed that the email from Mr. Ziad did not include attached PDFs, but rather attached only jpeg files, and therefore was not accepted.

To begin, the individual Defendants must properly file a notice of pro se appearance with the Pro Se Intake Unit. They therefore must complete the Notice of Pro Se Appearance form, available at <https://www.nysd.uscourts.gov/node/826> and then email it, **in PDF form**, to Temporary_Pro_Se_Filing@nysd.uscourts.gov.

Next, once Defendants have properly entered a pro se appearance and updated their addresses, the Defendants can take steps to set aside the default judgment. At this time, no such motion has been filed. Should Defendants file such a motion, after Plaintiffs have an opportunity to oppose it, the Court will consider whether it meets the standard to set aside a default under Rule 55(c) and 60(b). **Defendants have until May 17, 2024, to file a motion to set aside the default.** That motion must be consistent with this Court's individual rules, the SDNY's local rules, and the Federal Rules of Civil Procedure.

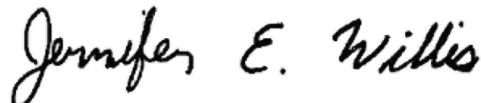
The Court also notes that there is a legal clinic in this District available to assist pro se parties in civil cases. The Clinic is run by a private organization called the New York Legal Assistance Group; it is not part of, or run by, the Court. The Clinic is located in the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York, in Room LL22, which is just inside the Pearl Street entrance to that Courthouse. The Clinic is open on weekdays from 10 a.m. to 4 p.m., except on days when the Court is closed. Defendants are encouraged to make an appointment with the Clinic by calling (212) 659-6190.

As for the corporate Defendant, Z Deli Grocery V Corp, the Court reiterates that “corporate parties may not proceed pro se and must be represented by an attorney. Failure to appear by counsel can result in the entry of a default judgment or dismissal of claims presented.” See Stolt-Nielsen Transp. Group B.V. v. Edible Oil Trading Corp., No. 06-CV-0703 (NRB), 2007 WL 4103815, at *1 (S.D.N.Y. Nov. 9, 2007). Thus, Z Deli Grocery V Corp cannot proceed pro se.

Finally, the Clerk of the Court is respectfully requested to mail a copy of this Order to the address the individual Defendants listed in their most recent letter: 300 West 49th St, Apt. 309, New York, NY 10019.

SO ORDERED.

DATED: New York, New York
April 5, 2024

A handwritten signature in black ink that reads "Jennifer E. Willis". The signature is written in a cursive, flowing style.

JENNIFER E. WILLIS
United States Magistrate Judge